

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Brian P. LaMothe et al.	§	Confirmation No.:	7536
Serial No.:	10/085,298	§	Group Art Unit:	2137
Filed:	02/28/2002	§	Examiner:	M. D. Nguyen
For:	Method and System of Limited Use of Imbedded Software	§		
		§		
		§		
		§		

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: March 14, 2006
Atty. Docket: 1787-70800

Sir:

In response to the Examiner's Answer mailed September 27, 2006,
Appellants submit this Reply Brief.

In the Appeal Brief, Appellants argue (in part) that even if hypothetically Allen teaches the claimed three distinct programs (which Appellants do not admit), Allen and Mustafa still fail to teach the claim limitations because the three programs execute on Allen's end-user devices, whereas the dongle of Mustafa would connect at the network management system. Thus, Allen and Mustafa fail to teach "a first non-volatile storage device coupled to the microcontroller [having the three distinct programs and] a second non-volatile storage device coupled to the microcontroller, the second non-volatile storage device storing software license information."

In the Response to Arguments section of the Examiner's Answer, the Answer takes the position:

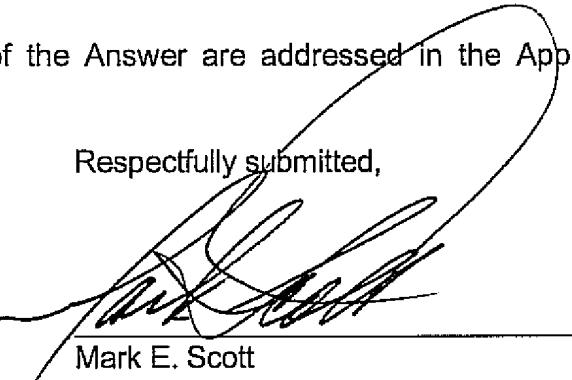
Appellant, on page 11 of the brief, argues the three distinct programs ... reside and execute at the end-user devices of Allen, not in the network management system.

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(Examiner's Answer, Page 8, paragraph b). The Answer then cites paragraph [0111] and Figure 9 of Allen in an apparent attempt to disprove Appellants assertion regarding the location of executing of the Allen software. The Answer then goes further to say that the three programs are executed on Allen's "site management module" (SMM). However, Allen's Figure 9 show a fuel dispensing system 900 comprising a refueling station 604 coupled to the network management system 902. (Allen Paragraph [0106]). The SMM upon which the Answer places reliance is clearly part of the refueling station 604 (the end-user device), and not the network management system 902, as evidenced by the vertical dashed lined in Figure. (*Id.*) Thus, the Answer fails to refute Appellants assertion.

The remaining assertions of the Answer are addressed in the Appeal Brief as filed.

Respectfully submitted,



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